

FILED

AUG 28 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE ALFREDO OREJEL-RAMIREZ,

Defendant - Appellant.

No. 05-10725

D.C. No. CR-04-00897-FRZ

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
Frank R. Zapata, District Judge, Presiding

Submitted August 21, 2006^{**}

Before: GOODWIN, REINHARDT, and BEA, Circuit Judges.

Jose Alfredo Orejel-Ramirez appeals from the district court's order, after remand, explaining that it would impose the same sentence under the advisory Guidelines. Orejel-Ramirez was originally sentenced to 48 months of

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

imprisonment following his guilty-plea conviction for importation of, and possession with intent to distribute, five kilograms or more of cocaine, all in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(ii)(II), 952(a), 960(a)(1) and (b)(1)(B)(ii).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Orejel-Ramirez has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. Orejel-Ramirez has not filed a pro se supplemental brief.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83-84 (1988), discloses no grounds for relief. We therefore **GRANT** counsel's motion to withdraw and **AFFIRM** the district court's judgment.